

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1644
	)	
CLASSEN, John Barthelow	)	Examiner: GAMBEL, P.
	)	
Serial No.: 08/591,651	)	Washington, D.C.
	)	
Filed: February 12, 1996	)	February 4, 2013
	)	
For: METHOD AND COMPOSITION	)	Docket No.: CLASSEN-1A
FOR AN EARLY VACCINE TO	)	
PROTECT AGAINST BOTH...	)	Confirmation No.: 9417

**SUPPLEMENTAL RESPONSE**

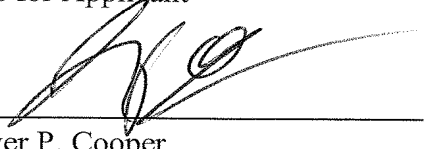
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Further to the Amendment filed March 12, 2012, and in particular the discussion of incorporation by reference on pp. 20-26, Applicant wishes to direct the Examiner's attention to the Federal Circuit's September 1, 2011 decision in *Harari v. Lee*, 100 USPQ2d 1052 (Fed. Cir. 2011), copy enclosed.

The application-at-issue cited two U.S. patent applications, and added, "the disclosures of the two applications are hereby incorporated by reference". *Id.* 1054. Harari argued that this "plainly and unambiguously incorporated the entire...disclosure", even without the use of "such words as 'in its entirety'". The Federal Circuit agreed, and did not question the propriety of such an incorporation by reference. *Id.*, 1055.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By:   
Iver P. Cooper  
Reg. No. 28,005

1625 K Street, N.W.  
Washington, D.C. 20006  
Telephone: (202)628-5197  
Facsimile: (202)737-3528